IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jukka Wallenius
Title:	PROVIDING CONNECTION CONTROL FOR SEPARATE LOGICAL CHANNELS IOH H.323 MULTIMEDIA
Appl. No.:	10/018,864
International Filing Date:	7/2/1999
371(c) Date:	02/26/2002
Examiner:	Patel, Dhairya A.
Art Unit:	2151
Confirmation Number:	8477

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the outstanding Office Action of April 30, 2007, the Examiner rejected claims 1-4, 7-9, 13-16, 19-21, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S.

Patent No. 6,801,521 (Shaffer et al.) in view of U.S. Patent No. 6,731,609 (Hirni et al.) Applicant traverses the rejections for the reasons set forth below.

With respect to independent claims 1, 13, and 25, the Examiner repeated his prior assertions that Shaffer et al. teaches monitoring control signaling, the control signaling being separate audio, video, and data streams forming a multimedia stream, and where each of the streams form a separate media component. The Examiner also repeated his prior assertions that Shaffer et al. teaches informing control means about the separate media components, recognizing the separate media components, and applying a connection control to the separate media components. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that Shaffer et al. does not teach or even suggest control signaling being separate audio, video, and data streams, each of which form a separate media component, nor does Shaffer et al. recite or contemplate informing control means about the separate media components or applying a connection control thereto.

Shaffer et al. is directed to a system and method of generating call signal tones locally, instead of receiving and processing those call signal tones from an external network. These processes are performed so that bandwidth of a telephony-over-LAN (ToL) is not inefficiently utilized when processing calls from/to end points that are not serviced by the local ToL. (See, e.g., Abstract and column 1, lines 13-55 of Shaffer et al.) That is, Shaffer et al. merely teaches monitoring and/or intercepting telephony call processing signals, blocking those signals, and locally playing an audio file that can substitute or corresponds to the blocked call process signal. (See, e.g., column 1, lines 55-62 and column 4, line 57-column 5, line 5). Hence, in-band signaling, such as that utilized over a conventional plain old telephone (POTS) system or non-SS7-based public switched telephony network (PSTN) can be accommodated by out-of-band signaling systems, e.g., ToL systems using SS7 interconnection standards. As is clearly described in Shaffer et al., and as would be known by those of ordinary skill in the art, call process signals are merely dual-tone multifrequency (DTMF) tones that indicate call processing events, e.g., ringback tones, busy tones, etc. Therefore, locally played audio files which can be utilized as substitutes for call process signals (as described by and utilized in Shaffer et al.) are entirely different and unrelated to

separate audio, video, and data streams, each of which can form a separate media component, such as those required by independent claims 1, 13, and 25 of the present application.

Moreover, Shaffer et al. describes that an H.323 terminal locally plays an audio file and once a ringback signal has stopped, for example, the sending of a media stream is resumed. (See, e.g., column 6, lines 1-15) In other words, the audio file taught by Shaffer et al. is not a part of any multimedia stream transferred between two end-points as also required by independent claims 1, 13, and 25 of the present application. Furthermore, the media stream of Shaffer et al. is only considered/transmitted/etc. as a whole, not separately in accordance with different media components, e.g., audio, video, and data. Hence, Shaffer et al. cannot be reasonably interpreted as teaching informing a control means about separate media components, recognizing the separate media components, or applying a connection control to the separate media components as required by independent claims 1, 13, and 25 of the present application.

At page 3 of the outstanding Office Action, it appears as though the Examiner has indicated that the claimed limitation of permitting "signaling messages related to the separate media components to be respectively modified… to each of the respective signaling messages" is taught by Shaffer et al. However, at page 4 of the outstanding Office Action, the Examiner indicated that such a limitation is not taught by Shaffer et al. Applicant is unsure as to whether these statements by the Examiner are contradictory or merely a stylistic format, therefore, Applicant assumes that the Examiner correctly recognized that this limitation of independent claims 1, 13, and 25 of the present application is not taught by Shaffer et al. However, the Examiner asserted that Hirni et al. teaches such a limitation, thus curing the deficiencies of Shaffer et al. Applicant respectfully disagrees with the Examiner's position. In particular and as discussed in detail below, Applicant submits that the "Q.931" component taught by Hirni et al. and relied upon by the Examiner to support his position cannot be interpreted as being analogous to the claimed separate media components.

Hirni et al. teaches a system and method of conducting a multimedia telephonic conference call with an agent system, e.g., an automatic call distributor (ACD)/call center. (See, e.g., Abstract and column 8, line 25-column 13, line 29). Although Hirni et al.

contemplates multimedia communications, Hirni et al. merely describes call setup and control processing using a Q.931 component. However, the Q.931 component is simply a component of a protocol stack 72, where the Q.931 component provides an interface for call setup of H.323 calls, breakdown, notification of incoming call events, etc. (See, e.g., column 14, lines 17-52). In contrast, independent claims 1, 13, and 25 of the present application require the ability to permit signaling messages related to the separate media components to be respectively modified and relayed to each of the separate media components. In other words, the Q.931 component, being a component of a protocol stack for interfacing, is entirely unrelated to a separate media component, while the separate media components recited in independent claims 1, 13, and 25 of the present application can include audio, video, and data streams. Therefore, Applicant submits that Hirni et al. fails to cure the deficiencies of Shaffer et al. already discussed above.

Applicant submits that neither Shaffer et al. nor Hirni et al. teach all of the required limitations of claims 2-4, 7-9, 14-16, 19-21, and 26 for at least the same reasons as those discussed above, i.e., Shaffer et al. and Hirni et al. fails to recite any element, process, operation, etc. that is even remotely related to separate media components, e.g., audio, video, and data streams.

The Examiner rejected claims 5, 6, 10-12, 17, 18, and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Shaffer et al., Hirni et al., and further in view of U.S. Patent No. 6,584,093 (Salama et al.) Applicant traverses these rejections for the reasons set forth below.

As to claim 5, for example, the Examiner asserted that Salama et al. teaches in a monitoring step, "if media component control signaling messages are routed via media proxy means, the call control means request report of media component related events from the media proxy means, and the media proxy means inform the call control means of the media component related events." Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that Salama et al. makes no suggestion whatsoever that a report of media component related events are requested from media proxy means if media component control signaling messages are routed via the media proxy means. Moreover, Applicant submits that Salama et al. fails to teach or contemplate informing a call control

means of media component related events. Salama et al. merely teaches a system and method of inter-domain routing of calls, where calls can be routed directly through terminals and Q.931 and H.245 signaling may flow through a gatekeeper. As described above, the Q.931 is a protocol component, not a separate media component, for establishing a connection, e.g., call setup. (See, e.g., column 2, lines 48-50 of Salama et al.) H.245 signaling on the other hand can refer to a signaling protocol responsible for call control as described at column 2, lines 51-54 of Salama et al. Applicant submits that these components are merely parts of a signaling protocol and having nothing to do with separate media components. Furthermore, column 3, lines 1-15 and 22-44 of Salama et al. merely describe a call setup procedure involving call authorization, addressing, and accounring. In contrast, claim 5 of the present application, for example, requires that media component control signaling messages, where the media components are audio, video, and data (as recited, for example, in independent claim 1 of the present application) are routed via media proxy means. Because the Q.931 and the H.245 signaling merely relates to, e.g., call setup, no reasonable interpretation thereof can read on media component control signaling, let alone requesting reports of media component related events and providing information related thereto. Therefore, Salama et al. fails to teach the required limitations of claim 5.

Applicant submits that Salama et al. also fails to cure the deficiencies of claims 6, 10-12, 17, 18, and 22-24 for at least the same reasons as discussed above, i.e., Salama et al. fails to recite any element, process, operation, etc. that is even remotely related to separate media components, e.g., audio, video, and data streams.

Because none of the references cited by the Examiner, either separately or in combination with each other, teach all of the required limitations of independent claims 1, 13, and 25 of the present application, Applicant submits that each of these independent claims are patentable over this prior art. Furthermore, because dependent claims 2-12, 13-24, 25, and 26 are each directly or indirectly dependent upon independent claims 1, 13, and 25, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above with respect to the independent claims and dependent claim 5.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741 If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date <u>August 24, 2007</u>

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Docket Number (Optional)

061602-5425

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] On August 24, 2007 Signature Typed or printed name	**Application Number** 10/018,864 **Filed** 7/2/1999
	First Named Inventor Jukka Wallenius
	Art Unit 2151 **Examiner** Patel, Dhairya A.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
      Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
  See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

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☐ attorney or agent acting under 37 CFR 1.34.
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

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